

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 OCT 17 P 4:21

AMERICAN REINSURANCE COMPANY, *et al.*,

Plaintiff,

V.

AMERICAN INTERNATIONAL GROUP and
TRENWICK AMERICAN REINSURANCE
CORPORATION

Defendants.

Civil Action No. 05-11840-MLW
DISTRICT OF MASS.

Plaintiffs American Re *et al.*'s Motion to Impound Materials

Pursuant to Local District Court Rule 7.2., American Re *et al.* (the "Facility Members") move that the Court enter an order permitting the Corrected Memorandum of Law in Opposition to Defendants' Motions to Stay Proceedings ("Opposition to Stay") be filed and maintained under seal until further Order of the Court.

As grounds for this motion, the Facility Members state that, like previous filings with this Court, there is "good cause" for the above referenced materials to be filed under seal and not to be disclosed to any persons or entities that are not parties to this action because they contain documents and other information relating to confidential arbitration proceedings that are currently pending between the Facility Members and the AIG Subsidiaries. While these documents are relevant and necessary for the Court to consider in ruling upon the Facility Members Opposition to Stay filed herewith, there is no reason for these materials to be in the public record. Doing so would be inconsistent with the confidential nature of the arbitration proceedings. In further support of this motion, the Facility Members show as follows:

1. In their Opposition to Stay, the Facility Members were required to refer to certain facts, information and documents relating to (or that have been filed in) the pending Arbitration in order to rebut certain claims made by defendants and to support other facts stated by the Facility members. This Arbitration is intended to be kept confidential and the Court should take reasonable and necessary steps to ensure that all information relating to the Arbitration is kept confidential.

2. Although the exact language of the Confidentiality Agreement is currently before the Arbitration Panel for decision, the Parties to the Arbitration have agreed to keep all Arbitration Information confidential from the outside world.

3. Since the Parties to the Arbitration have already agreed that information and documents relating to the pending Arbitration should be maintained as confidential, the Court should honor that agreement and preserve the confidentiality of the information submitted by the Facility Members in support of their Opposition to Stay.

4. Pursuant to Local District Court Rule 7.2(a), the Facility Members state that the Opposition to Stay should be filed and maintained under seal pending further Order of the Court. Since the Facility Members do not know when the Court will consider and rule upon the Opposition to Stay, the Facility Members cannot provide the Court with a "statement of the earliest date on which the impounding order may be lifted." In light of the fact that the arbitration is ongoing, the Facility Members respectfully submit that it would be appropriate to impound these materials until the final disposition of this action.

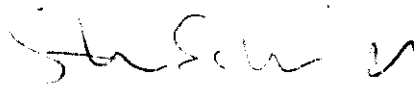
5. Pursuant to Local District Court Rule 7.2(a), the Facility Members submit that there is good cause to permit it to file this motion to impound simultaneously with the materials to be impounded as all other materials relating to the Arbitration and presented to this Court have been

similarly impounded.

For the reasons stated above, the Facility Members respectfully request that the Court permit the above-referenced materials to be filed under seal pending further Order of the Court.

QSA and to determine if any such the rights were procured by fraud.

By their attorney,



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Dated: October 17, 2005

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party by mail on October 17, 2005.

